

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830C1P48  
Serial No: 10/015,389 Group Art Unit: 1647  
Filed: December 11, 2001 Examiner: Rachel B. Kapust

**SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC  
ACIDS ENCODING THE SAME**

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF LUC DESNOYERS, Ph.D., DR. AUDREY GODDARD, Ph.D.,**

**DR. PAUL J. GODOWSKI, Ph.D., DR. AUSTIN GURNEY, Ph.D.,**

**DR. COLIN K. WATANABE and DR. WILLIAM WOOD, Ph.D.**

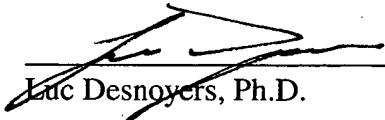
**UNDER 37 CFR 1.131**

We, Luc Desnoyers, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., Colin K. Watanabe and William Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by International Patent Application Publication No. WO 00/00610 (Lal *et al.*, publication date January 6, 2000).
3. We conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to January 6, 2000.
4. At the time the present invention was made, one of the inventors, Luc Desnoyers, Ph.D., was, as still is, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO1412, in chondrocyte proliferation assay (Assay #111, Example 153). This assay is used to find agents that are capable of inducing chondrocyte proliferation and/or redifferentiation, and can, therefore, be used in the treatment of joint diseases using a tissue engineering approach or as promising drug candidates to repair aging or arthritic joints, for example, in which the chondrocytes have been dedifferentiated.

5. In this assay, isolated chondrocyte cells are seeded in 96 well plates with either serum-free medium (negative control), staurosporin (positive control) or the test PRO polypeptide. After 5 days, fluorescence dye is added to each plate and measured. The readout of the fluorescence from a plate containing the serum-free medium is measured to establish a background fluorescence level. A positive result in the assay is obtained when the fluorescence of the PRO polypeptide-treated sample is more like that of the positive control than the negative control. This type of fluorescence determination, wherein the readout is compared to positive and negative controls, is well known in the art.
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9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

  
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Luc Desnoyers, Ph.D.

08/19/2004  
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Date

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Audrey Goddard, Ph.D.

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Date

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Paul J. Godowski, Ph.D.

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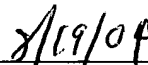
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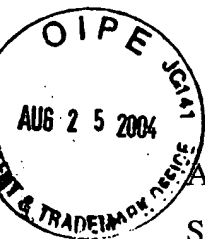
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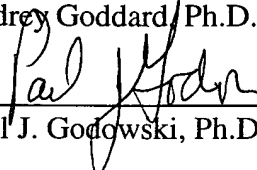
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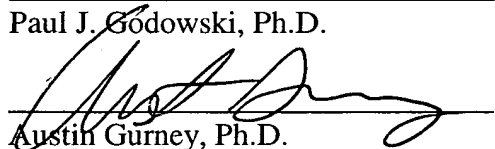
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Colin K. Watanabe  
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Aug 24, 2004  
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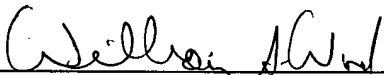
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\_\_\_\_\_  
Date

Date Complete From [ ] To [ ]

☐ All Positives ☐ Verified Positives ☐ Pending

### ASSAY RESULT LIST

|    | Chon Prolif | PUR952 | LOT192Z | PIN753-1 | Conc.  | Conc Unit | Mean Ctrl | UNQ    | Protein Name         | Date Dist | Date Complete | Comments |
|----|-------------|--------|---------|----------|--------|-----------|-----------|--------|----------------------|-----------|---------------|----------|
| SY |             |        |         |          | 307.00 | nM        | 1.49      | UNQ730 | Human GVPT730 Poly-H |           |               |          |

Rows: 1 Total Pages: 1 Selected Page: Page No. 1 of 1 Go

[ PUR Search ] [ DNA Search ] [ Result ]

| SY   | ASV Name | PUR/EXP/DNA | LOT     | LOT Name | Pos | Verified | Conc   | Conc Unit | Mean | Ctrl | UNQ    | Protein Name         | Date Dist | Date Complete | Continue |
|------|----------|-------------|---------|----------|-----|----------|--------|-----------|------|------|--------|----------------------|-----------|---------------|----------|
| Chon | Prolif   | PUR952      | LOT192Z | PIN753-1 |     |          | 307.00 | nM        | 1.49 |      | UNQ730 | Human GVPT730 Poly-H |           |               |          |

[ASY](#) | [DNA](#) | [DOM](#) | [EXP](#) | [FAM](#) | [FS](#) | [LB](#) | [LOT](#) | [MAP](#) | [OL](#) | [PFB](#) | [PHO](#) | [PUB](#) | [ENA](#) | [SRC](#) | [UNO](#) | [XPI](#) | [XSI](#)  
[Assay Viewer](#) | [Sequence Viewer](#) | [Gene Viewer](#) | [GeneGenes](#) | [SAGE](#)  
[GeneGenes Feedback](#)

Project No. \_\_\_\_\_  
 Book No. 33757 TITLE \_\_\_\_\_

Primary Assay Result

Assay ID

ASY111

Assay Name

Chondrocytes Proliferation Assay

Assay Date

Notebook Num

|   | XXXXXX-XX    |              |              |          |          |          |          |          |          |          |          |          |
|---|--------------|--------------|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
|   | 1%           | 1%           | 1%           | 1%       | 1%       | 1%       | 1%       | 1%       | 1%       | 1%       | 1%       | 1%       |
| A | Staurasporin | Staurasporin | Staurasporin | PIN717-1 | PIN721-1 | PIN728-1 | PIN730-1 | PIN734-1 | PIN738-1 | PIN742-1 | PIN746-1 | PIN750-1 |
| B | Media        | Media        | Media        | PIN718-1 | PIN722-1 | PIN727-1 | PIN731-1 | PIN735-1 | PIN739-1 | PIN743-1 | PIN747-1 | PIN751-1 |
| C | PIN708-1     | PIN711-1     | PIN714-1     | PIN719-1 | PIN724-1 | PIN728-1 | PIN732-1 | PIN736-1 | PIN740-1 | PIN744-1 | PIN748-1 | PIN752-1 |
| D | PIN709-1     | PIN712-1     | PIN715-1     | PIN720-1 | PIN725-1 | PIN729-1 | PIN733-1 | PIN737-1 | PIN741-1 | PIN745-1 | PIN749-1 | PIN753-1 |
| E | PIN710-1     | PIN713-1     | PIN716-1     |          |          |          |          |          |          |          |          |          |
| F |              |              |              |          |          |          |          |          |          |          |          |          |
| G |              |              |              |          |          |          |          |          |          |          |          |          |
| H |              |              |              |          |          |          |          |          |          |          |          |          |

Fluorescence

Plate #1: Reading after 3 hours

PASTE YOUR RAW DATA BELOW

|   | 1     | 2     | 3     | 4     | 5     | 6     | 7     | 8     | 9    | 10    | 11    | 12    |
|---|-------|-------|-------|-------|-------|-------|-------|-------|------|-------|-------|-------|
| A | 88.1  | 87.1  | 98.4  | 100.4 | 173.2 | 166.5 | 166.5 | 103.1 | 74.4 | 88.0  | 155.6 | 82.1  |
| B | 81.1  | 159.7 | 84.4  | 144.4 | 98.5  | 103.8 | 118.8 | 75.4  | 89.3 | 104.1 | 78.5  | 119.8 |
| C | 85.4  | 81.8  | 89.5  | 89.1  | 88.5  | 84.9  | 60.4  | 56.8  | 67.8 | 58.6  | 63.7  | 107.2 |
| D | 92.8  | 102.4 | 73.6  | 70.8  | 84.7  | 37.2  | 80.3  | 56.4  | 70.9 | 75.3  | 79.4  | 119.8 |
| E | 102.9 | 73.5  | 58.0  | 71.4  | 55.8  | 51.1  | 59.7  | 47.5  | 74.3 | 72.1  | 52.5  | 175.3 |
| F | 89.9  | 102.3 | 80.7  | 121.8 | 84.7  | 83.8  | 78.2  | 58.8  | 73.5 | 64.9  | 84.6  | 180.5 |
| G | 116.0 | 125.9 | 159.3 | 105.3 | 77.3  | 37.6  | 84.8  | 72.5  | 77.2 | 84.9  | 182.9 | 183.5 |
| H | 144.3 | 102.0 | 192.0 | 183.6 | 181.4 | 124.0 | 128.4 | 125.7 | 95.4 | 137.9 | 172.1 | 139.5 |

| Control      | Fluorescence |
|--------------|--------------|
| Staurasporin | 84.3         |
| Media        | 108.4        |

| Conc     | 1.00% |       |         |       | Positive | Verified | Comments |
|----------|-------|-------|---------|-------|----------|----------|----------|
| PIN #    | N1    | N2    | AVERAGE | STDEV |          |          |          |
| PIN708-1 | 0.788 | 0.780 | 0.784   | 0.0   | Positive |          |          |
| PIN709-1 | 0.949 | 0.845 | 0.797   | 0.2   |          |          |          |
| PIN710-1 | 1.070 | 1.331 | 1.201   | 0.2   |          |          |          |
| PIN711-1 | 0.847 | 0.945 | 0.896   | 0.1   |          |          |          |
| PIN712-1 | 0.878 | 0.944 | 0.911   | 0.2   |          |          |          |
| PIN713-1 | 1.162 | 0.941 | 1.052   | 0.2   |          |          |          |
| PIN714-1 | 0.828 | 0.897 | 0.762   | 0.1   |          |          |          |
| PIN715-1 | 0.535 | 0.744 | 0.640   | 0.1   |          |          |          |
| PIN716-1 | 1.489 | 1.771 | 1.620   | 0.2   |          |          |          |
| PIN717-1 | 0.928 | 1.333 | 1.129   | 0.3   |          |          |          |
| PIN718-1 | 0.822 | 0.853 | 0.738   | 0.1   | Positive |          |          |
| PIN719-1 | 0.839 | 1.218 | 0.938   | 0.4   |          |          |          |
| PIN720-1 | 0.973 | 1.786 | 1.380   | 0.8   |          |          |          |
| PIN721-1 | 1.598 | 0.910 | 1.254   | 0.5   |          |          |          |
| PIN722-1 | 0.832 | 0.597 | 0.614   | 0.2   |          |          |          |
| PIN724-1 | 0.715 | 0.781 | 0.544   | 0.2   |          |          |          |
| PIN725-1 | 0.715 | 1.489 | 1.102   | 0.5   |          |          |          |
| PIN728-1 | 1.537 | 0.956 | 1.246   | 0.4   |          |          |          |
| PIN727-1 | 0.599 | 0.343 | 0.471   | 0.2   |          |          |          |
| PIN729-1 | 0.471 | 0.774 | 0.623   | 0.2   |          |          |          |
| PIN729-1 | 0.532 | 1.144 | 0.838   | 0.4   | Positive |          |          |
| PIN730-1 | 1.538 | 1.096 | 1.317   | 0.3   |          |          |          |
| PIN731-1 | 0.357 | 0.356 | 0.357   | 0.0   |          |          |          |
| PIN732-1 | 0.351 | 0.722 | 0.536   | 0.1   |          |          |          |
| PIN733-1 | 0.599 | 1.164 | 0.890   | 0.4   |          |          |          |
| PIN734-1 | 0.951 | 0.697 | 0.824   | 0.2   |          |          |          |
| PIN735-1 | 0.522 | 0.520 | 0.521   | 0.0   |          |          |          |
| PIN736-1 | 0.438 | 0.617 | 0.527   | 0.1   |          |          |          |
| PIN737-1 | 0.878 | 1.159 | 0.918   | 0.3   |          |          |          |
| PIN738-1 | 0.888 | 0.824 | 0.755   | 0.1   |          |          |          |
| PIN739-1 | 0.624 | 0.834 | 0.639   | 0.0   | Positive |          |          |
| PIN740-1 | 0.888 | 0.835 | 0.860   | 0.0   |          |          |          |
| PIN741-1 | 0.712 | 0.880 | 0.796   | 0.1   |          |          |          |
| PIN742-1 | 0.812 | 0.981 | 0.888   | 0.1   |          |          |          |
| PIN743-1 | 0.541 | 0.695 | 0.618   | 0.1   |          |          |          |
| PIN744-1 | 0.665 | 0.751 | 0.708   | 0.1   |          |          |          |
| PIN745-1 | 0.599 | 1.272 | 0.935   | 0.5   |          |          |          |
| PIN746-1 | 1.436 | 0.724 | 1.050   | 0.5   |          |          |          |
| PIN747-1 | 0.588 | 0.733 | 0.661   | 0.1   |          |          |          |
| PIN748-1 | 0.464 | 0.781 | 0.623   | 0.2   |          |          |          |
| PIN749-1 | 1.884 | 1.588 | 1.636   | 0.1   | Positive |          |          |
| PIN750-1 | 0.757 | 1.105 | 0.931   | 0.2   |          |          |          |
| PIN751-1 | 0.989 | 1.104 | 1.046   | 0.1   |          |          |          |
| PIN752-1 | 1.818 | 1.685 | 1.642   | 0.0   |          |          |          |
| PIN753-1 | 1.695 | 1.287 | 1.491   | 0.3   | Positive |          |          |

Witnessed & Understood by me, \_\_\_\_\_

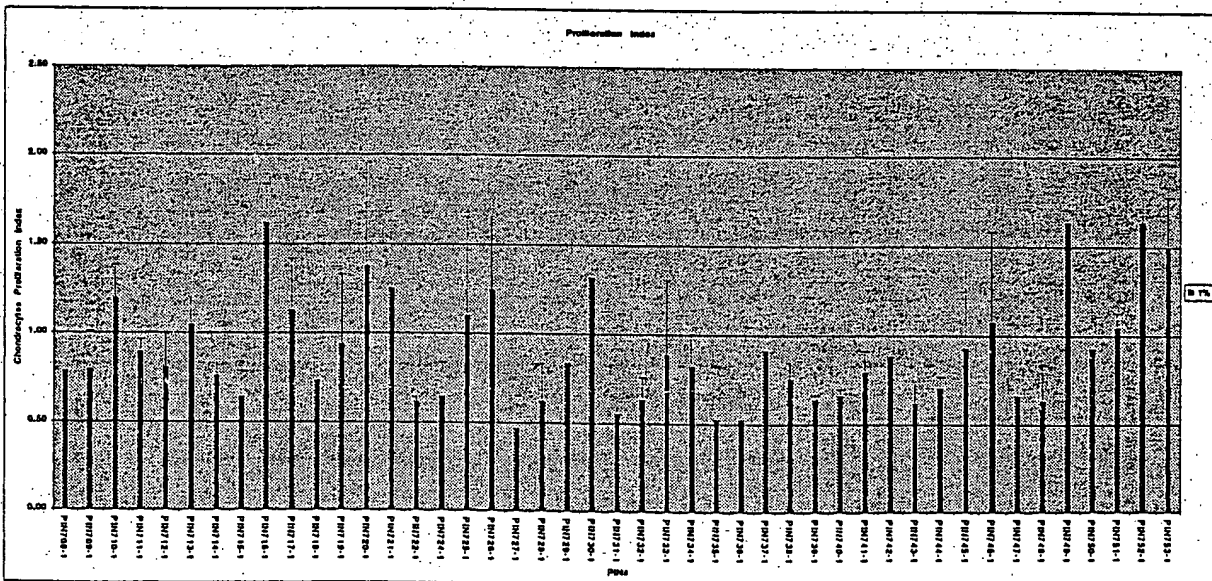
Date \_\_\_\_\_

Invented by \_\_\_\_\_

Date \_\_\_\_\_

GRAPH

| LINE     | Average | STDEV |
|----------|---------|-------|
| PIN708-1 | 0.78    | 0.0   |
| PIN709-1 | 0.80    | 0.2   |
| PIN710-1 | 1.20    | 0.2   |
| PIN711-1 | 0.90    | 0.1   |
| PIN712-1 | 0.81    | 0.2   |
| PIN713-1 | 1.05    | 0.2   |
| PIN714-1 | 0.76    | 0.1   |
| PIN715-1 | 0.84    | 0.1   |
| PIN716-1 | 1.82    | 0.2   |
| PIN717-1 | 1.13    | 0.3   |
| PIN718-1 | 0.74    | 0.1   |
| PIN719-1 | 0.84    | 0.4   |
| PIN720-1 | 1.38    | 0.8   |
| PIN721-1 | 1.25    | 0.3   |
| PIN722-1 | 0.61    | 0.0   |
| PIN724-1 | 0.65    | 0.2   |
| PIN725-1 | 1.10    | 0.3   |
| PIN726-1 | 1.25    | 0.4   |
| PIN727-1 | 0.47    | 0.2   |
| PIN728-1 | 0.62    | 0.2   |
| PIN729-1 | 0.84    | 0.4   |
| PIN730-1 | 1.22    | 0.3   |
| PIN731-1 | 0.56    | 0.0   |
| PIN732-1 | 0.64    | 0.1   |
| PIN733-1 | 0.69    | 0.4   |
| PIN734-1 | 0.82    | 0.2   |
| PIN735-1 | 0.52    | 0.0   |
| PIN736-1 | 0.53    | 0.1   |
| PIN737-1 | 0.92    | 0.3   |
| PIN738-1 | 0.76    | 0.1   |
| PIN739-1 | 0.84    | 0.0   |
| PIN740-1 | 0.66    | 0.0   |
| PIN741-1 | 0.80    | 0.1   |
| PIN742-1 | 0.69    | 0.1   |
| PIN743-1 | 0.62    | 0.1   |
| PIN744-1 | 0.71    | 0.1   |
| PIN745-1 | 0.94    | 0.5   |
| PIN746-1 | 1.08    | 0.5   |
| PIN747-1 | 0.66    | 0.1   |
| PIN748-1 | 0.83    | 0.2   |
| PIN749-1 | 1.64    | 0.1   |
| PIN750-1 | 0.93    | 0.2   |
| PIN751-1 | 1.05    | 0.1   |
| PIN752-1 | 1.54    | 0.0   |
| PIN753-1 | 1.49    | 0.3   |



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